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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/802,321
Filing Date: March 17, 2004
Appellant(s): EDLUND ET AL.

—————————————
Timothy P. Collins
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/17/2012 appealing from the Office action

mailed 7/20/2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-4, 7-16, 18, and 19 are pending and subject of this appeal.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are

provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in

the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2003/0162555	Loveland	8-2003
7,092,977	Leung et al.	8-2003
2003/0172113	Cameron et al.	9-2003
2005/0065856	Roberts et al.	3-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 7-11, 12, 13, 15, 16, and 18-19 are rejected under 35 U.S.C.

103(a) as being unpatentable over Loveland (U.S. Patent Application

2003/0162555) in view of Leung et al. ('Leung' hereafter, U.S. Patent 7,092,977)

and further in view of Cameron et al. ('Cameron' hereafter, U.S. Patent Application 2003/0172113).

With respect to claim 1, Loveland teaches A method for synchronizing a client having a client database with a server having a server database, the method comprising:

calculating at the server database (0013, 0044, and 0056), for a plurality of clients (0039; e.g. a synchronization server that synchronizes with a number of wireless devices), a document score (0015; e.g. value of data is considered) for each document (0015; e.g. data) in a plurality of documents (0056; data items) in the server database (Fig. 2, server store 221), each document score designating an importance (0044; e.g. wherein important emails or contacts are determined and 0054; e.g. important information) relative to other documents (0044; e.g. emails from a particular sender may be of greater value to a user) of a respective one of the documents to a respective one of the clients (0058; e.g. information considered important of a mobile phone user) at one of the times (0059; e.g. account activity detected in the morning), each document score (0015; e.g. value of data) indicative of whether the document should be synchronized between the respective client and the server database (0013, 0015, and 0042; e.g. Loveland teaches selection rules take into consideration the value of data in the determining whether a data item ought to be synchronized), wherein calculating the document score includes determining whether a relationship exists between the respective document and another of the documents in the server database (0044);

initiating a synchronization task at one of the clients (0047; e.g. the determination to synchronize is a user-issued instruction from the mobile device user), the synchronization task for updating documents in the client database to match documents in the server database (0006), the synchronization task specifying a threshold value that indicates the document score value for a document to be synchronized (0045; e.g. data items must have at least a predetermined value in order to be synchronized), and identifying the server and the server database for synchronization (0038);

a list of server documents produced based upon a comparison of the threshold value (0045) to the document scores (0056; e.g. the server determines which data items are appropriate to synchronize. Therein these items determined are interpreted as a "list"); and

Although Loveland teaches calculating a document score as determining the value of a data item and further at least calculating a document score for a time, Loveland does not appear to expressly teach calculating for a plurality of times, a document score.

Leung, however, teaches calculating for a plurality of times, a document score (col. 11 lines 53-67; e.g. data usage criteria information that specifies criteria related at least to a creation date, modification date, time of last access) for considering data usage information in determining placement of data.

Accordingly, in the same field of endeavor, (e.g. communicating data to a client), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the

usage information as taught by Leung would have given Loveland the ability to further determine a value of a document to be synchronized for the benefit of making the synchronization more user-friendly and efficient. Loveland discloses a need for such a teaching in paragraphs 0058-0059 wherein a user desires the latest information.

Loveland teaches determining which data items are appropriate to synchronize and user selection of data item to synchronize (0056) as documents produced based upon a comparison of the threshold (0045, 0049); however, Loveland and Leung do not appear to expressly teach sending the appropriate items (i.e. sending from the identified server and server database to the client) as a list and sending from the client to the identified server a fetch list based upon the list of server documents; transmitting one of the documents in the server database to the client based on a fetch list.

Cameron, however, discloses sending from the identified server and server database to the client a list of server documents (0052 wherein a list of documents are added to a synchronization list on the server 102 and the list of synchronizable documents are provided to the small device) and sending from the client to the identified server a fetch list based upon the list of server documents (0052 wherein a user may select documents from the list to be synchronized); transmitting one of the documents in the server database to the client based on a fetch list (0052, 0056; e.g. transferring the server document in a synchronization process) for providing a list of documents to be selected to synchronize.

In the same field of endeavor, (i.e. synchronizing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to

combine the teachings of the cited references because the teachings provided by Cameron would have given a user of Loveland and Leung the ability to freely choose documents to be sent for synchronization to their device. Loveland discloses the need when a user may manually select documents to synchronize (0056) and further wherein certain documents are to be synchronized with their device (0058-0060).

With respect to claim 2, Loveland teaches the method of claim 1 wherein the transmitting the step of sending comprises sending from the server to the client a list of server documents produced based upon a comparison of the threshold value to the document scores, wherein the list of server documents includes documents whose scores exceed the threshold value (0045).

With respect to claim 3, Loveland does not appear to teach the method of claim 2 further comprising determining the threshold value based on a data storage capacity of the client.

Leung, however, teaches determining the threshold value based on a data storage capacity of the client (col. 9 lines 25-30; e.g. storage capacity for a storage device) for allocating memory to a particular type.

Accordingly, in the same field of endeavor, (e.g. communicating data to a client), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the

usage information as taught by Leung would have given Loveland the ability to efficiently utilize limited storage space (as suggested by use of a portable device).

With respect to claim 4, Loveland teaches the method of claim 1 wherein the calculating a document score for one of the documents is determined from at least one of a time of creation of the document, a number of times the document has been read, a time of last access of the document and an author of the document (0044; e.g. wherein senders of emails are interpreted as authors).

With respect to claim 7, Loveland and Leung do not appear to teach the method of claim 1 further comprising:

determining if the client database includes a newly created document; and transmitting the newly created document to the server.

Cameron, however, teaches determining if the client database includes a newly created document (0042; e.g. notification of changes); and

transmitting the newly created document to the server (0042; e.g. sending the entire document).

Accordingly, in the same field of endeavor, (i.e. synchronization), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Cameron would have given Loveland and Leung the ability to effectively notify the

respective device (i.e. server or client) of changes for more efficiently synchronizing a document.

With respect to claim 8, Loveland teaches the method of claim 7 further comprising assigning a document score having a maximum value to the newly created document (0059).

With respect to claim 9, Loveland and Leung do not appear to teach the method of claim 1 further comprising:

determining if the client database includes a modified document; and transmitting the modified document to the server.

Cameron, however, teaches determining if the client database includes a modified document (0042; e.g. notification of changes); and

transmitting the modified document to the server (0042; e.g. sending the entire document).

Accordingly, In the same field of endeavor, (i.e. synchronization), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Cameron would have given Loveland and Leung the ability to effectively notify the respective device (i.e. server or client) of changes for more efficiently synchronizing a document.

With respect to claim 10, The combination of Loveland and Leung and Cameron further teach the method of claim 9 further comprising assigning a document score having a maximum value to the modified document (Leung, col. 11 line 57-62).

With respect to claim 11, Loveland teaches the method of claim 1 wherein the client database includes a plurality of client documents (0037), the method further comprising designating for deletion one of the client documents based on a document score of a complementary document in the server database (0055).

With respect to claim 12, Loveland teaches the method of claim 1 wherein the client database includes a plurality of client documents, the method further comprising removing one of the client documents from the client database based on a document score of a complementary document in the server database (0055).

With respect to claim 13, Loveland and Leung do not appear to teach the method of claim 9 further comprising resolving a conflict between the modified document in the client database and a modified document in the server database.

Cameron, however, teaches resolving a conflict between the modified document in the client database and a modified document in the server database (0078 and 100) for resolving a conflict in a synchronization process.

Accordingly, in the same field of endeavor, (i.e. synchronization), it would have been obvious to one of ordinary skill in the data processing art at the time of the present

invention to combine the teachings of the cited references because the teachings of Cameron would have given Loveland and Leung the ability to resolve a conflict of changes for more efficiently synchronizing a document.

With respect to claim 15, Loveland teaches the method of claim 11 further comprising increasing a data storage capacity of the client by deleting the one of the client documents designated for deletion (0055 as erasure of a data item).

With respect to claim 16, Loveland teaches A computer program product for use with a computer system having a server with a server database, the server database storing a plurality of documents accessible to a client, the computer program product comprising a non-transitory computer useable medium having embodied therein program code (0026, 0034, therein Loveland teaches computer-executable instructions to carry out the following program code functions) comprising:

program code for calculating at the server database (0013, 0044, and 0056), for a plurality of clients (0039; e.g. a synchronization server that synchronizes with a number of wireless devices), a document score (0015; e.g. value of data is considered) for each document (0015; e.g. data) in a plurality of documents (0056; data items) in the server database (Fig. 2, server store 221), each document score designating an importance (0044; e.g. wherein important emails or contacts are determined and 0054; e.g. important information) relative to other documents (0044; e.g. emails from a particular sender may be of greater value to a user) of a respective one of the

documents to a respective one of the clients (0058; e.g. information considered important of a mobile phone user) at one of the times (0059; e.g. account activity detected in the morning), each document score (0015; e.g. value of data) indicative of whether the document should be synchronized between the respective client and the server database (0013, 0015, and 0042; e.g. Loveland teaches selection rules take into consideration the value of data in the determining whether a data item ought to be synchronized), wherein calculating the document score includes determining whether a relationship exists between the respective document and another of the documents in the server database (0044);

program code for initiating a synchronization task at one of the clients (0047; e.g. the determination to synchronize is a user-issued instruction from the mobile device user), the synchronization task for updating documents in the client database to match documents in the server database (0006), the synchronization task specifying a threshold value that indicates the document score value for a document to be synchronized (0045; e.g. data items must have at least a predetermined value in order to be synchronized), and identifying the server and the server database for synchronization (0038);

a list of server documents produced based upon a comparison of the threshold value (0045) to the document scores (0056; e.g. the server determines which data items are appropriate to synchronize. Therein these items determined are interpreted as a "list"); and

Although Loveland teaches calculating a document score as determining the value of a data item and further at least calculating a document score for a time, Loveland does not appear to expressly teach calculating for a plurality of times, a document score.

Leung, however, teaches calculating for a plurality of times, a document score (col. 11 lines 53-67; e.g. data usage criteria information that specifies criteria related at least to a creation date, modification date, time of last access) for considering data usage information in determining placement of data.

Accordingly, in the same field of endeavor, (e.g. communicating data to a client), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the usage information as taught by Leung would have given Loveland the ability to further determine a value of a document to be synchronized for the benefit of making the synchronization more user-friendly and efficient. Loveland discloses a need for such a teaching in paragraphs 0058-0059 wherein a user desires the latest information.

Loveland teaches determining which data items are appropriate to synchronize and user selection of data item to synchronize (0056) as documents produced based upon a comparison of the threshold (0045, 0049); however, Loveland and Leung do not appear to expressly teach program code for sending the appropriate items (i.e. sending from the identified server and server database to the client) as a list and program code for sending from the client to the identified server a fetch list based upon the list of

server documents; program code for transmitting one of the documents in the server database to the client based on a the fetch list.

Cameron, however, discloses sending from the identified server and server database to the client a list of server documents (0052 wherein a list of documents are added to a synchronization list on the server 102 and the list of synchronizable documents are provided to the small device) and program code for sending from the client to the identified server a fetch list based upon the list of server documents (0052 wherein a user may select documents from the list to be synchronized); program code for transmitting one of the documents in the server database to the client based on a the fetch list (0052, 0056; e.g. transferring the server document in a synchronization process) for providing a list of documents to be selected to synchronize.

In the same field of endeavor, (i.e. synchronizing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings provided by Cameron would have given a user of Loveland and Leung the ability to freely choose documents to be sent for synchronization to their device. Loveland discloses the need when a user may manually select documents to synchronize (0056) and further wherein certain documents are to be synchronized with their device (0058-0060).

With respect to claim 18, Loveland does not appear to expressly teach the computer program product of claim 17 wherein the determination of the threshold value is based on a data storage capacity of the client.

Leung, however, teaches determining the threshold value based on a data storage capacity of the client (col. 9 lines 25-30; e.g. storage capacity for a storage device) for allocating memory to a particular type.

Accordingly, in the same field of endeavor, (e.g. communicating data to a client), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the usage information as taught by Leung would have given Loveland the ability to efficiently utilize limited storage space (as suggested by use of a portable device).

With respect to claim 19, Loveland teaches the computer program product of claim 16 wherein the calculating a document score for one of the documents is determined from at least one of a time of creation of the document, a number of times the document has been read, a time of last access of the document and an author of the document (0044; e.g. wherein senders of emails are interpreted as authors).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loveland, Leung, Cameron, and further in view of Roberts (U.S. Patent Application 2005/0065856).

With respect to claim 14, Loveland and Leung do not appear to teach the method of claim 11 further comprising removing the designation for deletion based on a document score of the complementary document in the server database.

Roberts, however, teaches removing the designation for deletion based on a document score of the complementary document in the server database (0053 and Fig. 6b) for unchecking items that are not to be deleted.

Accordingly, in the same field of endeavor, (i.e. server/client interaction), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Roberts would have given the user of Loveland and Leung the ability to keep documents from being deleted, thus providing a more user-friendly system.

(10) Response to Argument

Appellant's arguments in the Appeal Brief filed 2/17/2012 (herein 'Brief') have been fully considered but they are not persuasive.

With respect to independent claim 1 and similar claim 16, Appellant submits on page 8 of the Brief that Loveland does not calculate a document score by determining whether a relationship exists between emails. Examiner respectfully disagrees by maintaining the rationale given in the Final office action dated 7/20/2011 and further given the following:

As noted from Loveland, the values of documents are taken into consideration of selection rules in determining whether a data item ought to be synchronized (Loveland, 0013, 0015, and 0042). In paragraph 0044, Loveland teaches that the value may be determined by user preferences. For example, e-mails from particular senders, or e-mails that contain the words "coin" or "penny" may be of higher value. Herein, Loveland

teaches a relationship between emails exists – for example, emails from a particular sender such as a client, boss, business partner, spouse, or the like. Moreover, another relationship is determined for placing a value to e-mails, such as those containing particular words like "coin" or "penny".

       As seen from the above citation in Loveland, emails that contain the words "penny" or "coin" are deemed to be related because of their keyword relationship. Furthermore, as seen from above in paragraph 0044, Loveland teaches emails from particular senders may have a greater value. Therein, these emails are related because they are from particular senders, such as clients, bosses, business partners, spouses, or the like. In one exemplary interpretation, emails from clients are related because they share the same sender relationship – from clients - and are thus given higher value.

       On page 9 of the Brief, Appellant submits that there is no mention of calculating the value as a document score that includes making the determination described in paragraph 0013 of Loveland. Examiner respectfully disagrees and submits that in Loveland's paragraph 0013, they teach a determination that a data item ought to be synchronized by consulting a flexible set of rules dictated by a network administrator. In 0044, Loveland specifies a value determined by the network administrator in consideration of importance of data in order to be synchronized. As discussed above, Loveland teaches the value of the data may depend on relationships such as sender relationships or keyword relationships between email documents. Accordingly, these

relationships have a bearing on the value of these emails and thus influence the document score.

In the first paragraph on page 10 of the Brief, Appellant argues that even if there is a relationship in paragraph 0044, the relationship is not determined to calculate a document score as cited in paragraph 0015. Examiner submits that paragraph 0015 takes into consideration the *value* of data in determining whether to synchronize. In paragraph 0044, that value is calculated, in part, by keyword or sender relationships between documents. As noted above, a relationship between documents may arise if they contain the same keywords or are sent from particular senders, such as clients.

Next on page 10 of the Brief, Appellant submits that the combination of Loveland, Leung, and Cameron does not expressly or inherently disclose sending from the client to the identified server a fetch lists based upon the list of server documents, and transmitting one of the documents in the server database to the client based on the fetch list. Examiner respectfully disagrees and maintains that Cameron in the combination of Loveland and Leung teaches this aspect.

Specifically, in paragraph 0052, Cameron teaches that the server 102 provides a list of synchronizable documents to small device 106. Subsequently, a user of that device may select and/or deselect the documents to be synchronized. Accordingly, since the user of small device 106 selects documents to be synchronized, those documents serve as a list of documents to be synchronized (i.e. fetched) from the server. It is further noted in the next paragraph of Cameron, in paragraph 0053, that the

server 102 and small device 106 each maintain a list of synchronizable documents. In a synchronization process, those lists are synchronized so they both include the same information. The document lists may then be used to display the list of document to the small device user so that the user can select which documents are to be synchronized (Cameron 0053). Herein, it is also submitted that a list is exchanged between the client and server in order to synchronize documents.

On page 12, with respect to claim 2, Appellant argues that there is no teaching in Loveland of a comparison of the predetermined/threshold value and a set of document scores. Examiner respectfully disagrees and maintains Loveland's teaching of this feature in paragraph 0045.

Specifically Loveland teaches that data items must have at least a predetermined value in order to be synchronized. In previous paragraph 0044, that value may indicate the importance of a data item and further is based on relationships to other items. Accordingly, the value is compared with a predetermined value. The item is synchronized, or sent to the client, if the value exceeds the threshold.

In respect to dependent claim 7, on page 12 of the Brief, Appellant argues that Cameron does not teach a newly created document. Examiner respectfully disagrees and maintains that Cameron teaches this aspect in at least paragraph 0042. Therein, Cameron recognizes changes in a document, such as document additions and modifications. Thus, Cameron teaches a newly created document because they teach

document *additions* – or addition of a document. Moreover, even the teaching of document changes, such as modifications as taught by Cameron, teach a newly created document. For instance a modification of a document signifies that a new document is created. In this instance, the new document is a new copy of that document.

In respect to dependent claim 8, on page 13 of the Brief, Appellant argues that Loveland makes no mention of a document score having a maximum value. Examiner respectfully disagrees and submits that in view of the combination of Loveland and Cameron, this element is taught.

Specifically, Cameron teaches notification of a newly created document as indicated above, and further after this notification, synchronization occurs. In Loveland's paragraph 0059, a pop up notification is taught that suggests data, such as a new activity, should be synchronized. Accordingly, in the combination of these references, new data, as described by a notification suggests that this data is most important (i.e. maximum value) to synchronize.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/ROBERT TIMBLIN/

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